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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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CHRISTINA BOBEL, an heir of GRACE  
JAMES, deceased,

Case No. 2:10CV01222 TS

Plaintiff,

vs.

SOLACIUM SUNRISE, LLC a Residential  
Treatment Program, and JOHN & JANE  
DOES 1-10,

ANSWER OF SOLACIUM SUNRISE,  
LLC

Defendants.

Magistrate Judge \_\_\_\_\_

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Defendants, by and through counsel, hereby answer the complaint of plaintiff as follows:

**FIRST DEFENSE**

The following responses correspond numerically to the allegations of the complaint:

- 1.-2. Admitted.
3. Denied for insufficient information.

4. Admitted.
5. Jurisdiction is admitted.
6. No response is required.

7.-13. These allegations are denied except it is admitted at the time, place, and dates stated that there was a one vehicle automobile accident which occurred as a consequence of the driving negligence of the driver resulting in the death of Grace James.

14. The responses to allegations numbered 1 through 13 are incorporated herein.

15. Admitted.

16.-17. Admitted that the negligence of the driver resulted in the accident and the death of Grace James. The allegations are otherwise denied.

18.-19. Admitted subject to discovery showing otherwise.

20. Admitted so far as consistent with the law.

21. The responses to allegations numbered 1 through 20 are incorporated herein.

22. Admitted with respect to negligence. The remainder of the allegation is denied.

23.-26. The negligence of the driver is admitted and she was in the course and scope of her employment at time of the accident. It is also admitted that Ms. James died as a result of the negligence. The allegations are otherwise denied.

## **SECOND DEFENSE**

The fault of all parties, including non-parties, should be compared and allocated at trial.

## **THIRD DEFENSE**

The request for punitive damages under these circumstances is contrary to due process and constitutes unlawful punishment under the Eighth Amendment to the U.S. Constitution.

**WHEREFORE**, defendant admits this court should enter an award of reasonable damages to the heirs of Grace James, which damages should be determined at trial after consideration of the evidence allowable in such actions under law.

**DATED** this 7<sup>th</sup> day of June, 2011.

KIPP AND CHRISTIAN, P.C.

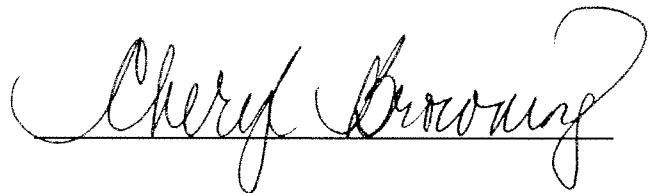


GREGORY J. SANDERS  
Attorneys for Defendant Solacium Sunrise, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of June, 2011, I caused a true and correct copy of the foregoing **ANSWER OF SOLACIUM SUNRISE, LLC** to be e-filed through the United States District Court to the following:

Robert B. Sykes  
Alyson E. Carter  
Scott E. Edgar  
Robert B. Sykes & Associates, P.C.  
311 South State Street, Suite 240  
Salt Lake City, Utah 84111

A handwritten signature in black ink, appearing to read "Cheryl Browning", is written over a horizontal line.